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September 7, 2021

VIA CM/ECF

Honorable Thomas I. Vanaskie, Special Master
Stevens & Lee, P.C.
1500 Market Street, East Tower, 18th Floor
Philadelphia, Pennsylvania 19103

Re: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation*,
No. 1:19-md-02875-RBK-JS (D.N.J.)

Dear Judge Vanaskie:

Plaintiffs respectfully submit this letter in advance of the September 8, 2021 status conference.

1. Counsel's In-Person Attendance of Otherwise Remote Expert Witness Depositions

Plaintiffs and Defendants agreed that for experts deposed via Zoom, the expert will be alone in a room with nobody else and will not be in contact with anyone else. This was agreed in the context of Defendants' insistence at the outset that all experts be deposed in person. This was confirmed in an email exchanged with counsel (Ex. A hereto), and this was adhered to in the depositions of the Plaintiffs' experts. This was a reasonable agreement and should be applied equally to the defense experts. Defense counsel paints the issue as one of choice (one defense expert, Dr. Johnson is located in England where travel is now subject to further limitations), but

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the reality is that if the depositions proceed by Zoom, that should not occur with the witness and defense counsel together, without Plaintiffs' counsel present. There is simply no reason to entertain the possibility of communication between counsel and the expert during the questioning. The depositions can of course be sufficiently defended, as Plaintiffs have defended their experts over Zoom, and defense counsel defended a mountain of depositions via Zoom, including for witnesses located halfway around the world. For all of these reasons, Plaintiffs request a level playing field, ensuring that all experts deposed via Zoom will do so under the same parameters.

2. Update on New Named Plaintiff Fact Sheets

Plaintiffs have begun serving the Plaintiff Fact Sheets (PFSs) for new class representatives on a rolling basis as order by the Court, and are working to serve the remaining PFSs as soon as possible. ([ECF 1514](#)).

Thank you for your courtesies and consideration.

Respectfully,



ADAM M. SLATER

cc: All Counsel (via CM/ECF)